

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
CLERKS OFFICE

SANDY J. BATTISTA,
Plaintiff,
vs.
DUANE MACEACHERN, et al.,
Defendant's.

2004 MAY -5 P 1:43
CIVIL ACTION DISTRICT OF MASS.
NO#04-10779-DPW

PLAINTIFF'S MOTION FOR RECONSIDERATION OF ORDER ON
APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEES

Plaintiff, Sandy J. Battista, acting pro-se in the above entitled matter, respectfully motions this Court for reconsideration of it's April 26, 2004 Order on Application to Proceed Without Prepayment of Fees. As reasons therefore, plaintiff states the following:

- 1) In her original Motion to Waive Filing Fees and to be Allowed to Proceed in Forma Pauperis, along with Supporting Affidavits attached therewith("the motion"), plaintiff clearly documented that this Court, along with the first circuit Court of Appeals has as of date determined this plaintiff to be indigent.
- 2) The motion also clearly alleged that, since the above determinations as to plaintiff's indigency, her financial status has not changed, to the contrary, has become even more impoverished.
- 3) The motion also clearly alleged that what little funds plaintiff has access to was received as the result of an inheritance from her fathers recent passing.
- 4) The motion also clearly alleged that, as plaintiff is

not indigent, according to Department of Correction policy, she is required to provide for [all] her personal, legal, and hygiene necessities.

5) The motion also clearly alleged that plaintiff's only income is payment from institutional employment at the rate of \$1.00 a day x seven.

6) What the motion failed to point out to this Court is, that along with the filing of the action at issue, plaintiff has recently also filed four (4) non-related pro-se civil actions, all additionally pending disposition of her motions to waive prepayment of fees and costs. See Sandy J. Battista vs. Robert Murphy, et al., U.S.Dist.Ct.C.A.No#03-12643-MEL; Sandy J. Battista vs. Robert Murphy, et al., U.S.Dist.Ct.C.A.No#04-10226-MEL; Sandy J. Battista vs. Commonwealth of Massachusetts, (filed 2/23/04); and Sandy J. Battista vs. Maryanne Percuoco, et al., (filed 4/27/04).

7) That this Court's recent change in plaintiff's indigent status will ultimately cost plaintiff \$750.00, completely depleting plaintiff's only funds. As it makes little or no sense for this court to declare plaintiff [not] indigent in the enclosed action, but indigent in the above actions.

8) As outlined herein and in plaintiff's original motion, allowance of this motion is justified.

WHEREFORE, it is respectfully requested that this Court ALLOW this motion, and issue it's Order determining the plaintiff to be indigent. Alternatively, plaintiff requests a "partial payment" be ordered of \$25.00.

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Dated: 5/3/04.

Respectfully submitted,


Sandy J. Battista, #M-15930
Plaintiff/Pro-se
Mass. Treatment Center
30 Administration Rd.
Bridgewater, Mass. 02324